

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	George Lindberg	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6530	DATE	9/9/2008
CASE TITLE	Charlotte Horton vs. Country Mortgage Services, Inc., et al.		

DOCKET ENTRY TEXT

Plaintiff's motion to file third amended complaint [113] is denied.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff filed a 4-count complaint [1]; the court dismissed Counts III and IV of that complaint [46]. Plaintiff filed a 4-count first amended complaint that attempted to replead the dismissed counts [48] and with leave of court [54] filed a second amended complaint attempting to replead those same dismissed counts [55]. The court again dismissed Count IV [101] and the court subsequently found the repleading of that count without substantive alteration was sanctionable under FRCP 11 [104].

Plaintiff now seeks leave to file a third amended complaint that would once again attempt to plead the Illinois Consumer Fraud and Deceptive Business Practices Act claim which she has thrice before attempted to plead, which the court has twice dismissed, with counsel's last attempt to plead it having been found to be sanctionable under Rule 11. In the motion for leave to file the third amended complaint, plaintiff says she "has conducted additional discovery since the filing of the Second Amended Complaint, allowing plaintiff to assert some of her claims with more specificity" and "now seeks to amend her claims to assert additional facts against CMS to support an ICFA claim and to make some of her earlier allegations more specific." She does not specify what she learned in discovery that permits the amendment, or state the specific additional facts that would be in the third amended complaint, or show that the new allegations in the complaint meet the court's objections to the earlier complaints. On this, plaintiff's fourth try, the court is not prepared to hunt around in the proposed third amended complaint to find some of these specifics plaintiff has not provided in her motion, and the question of when and how she learned of the new facts in discovery could not be answered by that method in any event.

Courtroom Deputy

slb